

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

RONNIE SMITH

PLAINTIFF

v.

Civil No. 05-4080

DANNY ORMAND, Sheriff;
THEARTIS EARLY, Investigator;
and JAMIE WHITAKER

DEFENDANTS

ORDER

Plaintiff's complaint was filed in this case on November 16, 2005. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information with respect to his claims.

Accordingly, it is ordered that plaintiff, Ronnie Smith, complete and sign the attached addendum to his complaint, and return the same to the court **by February 14, 2006. Plaintiff is advised that should he fail to return the completed and executed addendum by February 14, 2006, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 13th day of January 2006.

/s/ Bobby E. Shepherd

HON. BOBBY E. SHEPHERD
UNITED STATES MAGISTRATE JUDGE

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Civil No. 05-4080

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DEFENDANTS

ADDENDUM TO COMPLAINT

TO: RONNIE SMITH

This form is sent to you so that you may assist the court in making a determination as to the issue of whether your complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and return this entire form (including this first page) back to the court **by February 14, 2006**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

In your complaint, you state that on October 1, 2005, you were involved in an automobile accident from which you suffered minor injuries. You called police and an ambulance. Officer "J. Willicon" arrived on the scene. You spoke to him, told him that you had wrecked your car, and told him where it was located. You then got into an ambulance and were taken to the hospital.

When you were released from the hospital, Officer Willicon was waiting for you. Then

Officer "J. Welch" took you to jail because he found a gun in the backseat of your car. You state that you never gave Officer Willicon permission to search the vehicle, and he did not have a search warrant. You were charged with criminal possession of a firearm by Officer Willicon. You claim that 48 hours later, Chief of Police Victor Rose dropped the charges and released you.

On October 8, 2005, you and your brother had an argument and your brother called the police. When you arrived at the jail, jailer Thomas Eachers pushed you down when you told him to keep his hands off of you.

On October 12, 2005, when you went to court, you discovered that Thomas Eachers had provided a written statement to Investigator T. Early. In the statement, Eachers said that you told him the reason you had a knife was because the police had taken your gun. Investigator Early filed charges against you for public possession of a firearm without first investigating the incident. You claim that Sheriff Ormand allowed this to occur.

1. Is Officer "J. Welch" and Officer "J. Willicon" really Officer Jamie Whitaker, who you moved to have substituted for "J. Welch"?

Answer: Yes _____ No _____

If you answer is yes, then do all facts in your complaint applying to either Welch or Willicon actually refer to Jamie Whitaker?

Answer: Yes _____ No _____

If you answered no, then please explain below.

2. Why are you presently incarcerated?

3. Where was the gun that was found in the backseat of your car? Was it visible through the car window or was it in a container?

4. Did the officer who found the gun conduct an inventory of your car before it was towed?

Answer: Yes _____ No _____

Explain your answer.

5. Why were you arrested for having a gun in your car? Was there a reason it was illegal for you to possess a firearm, such as being a felon? Explain your answer.

6. Has the officer's search of your car ever been challenged in another court proceeding, such as in a motion to suppress in a criminal trial?

Answer: Yes _____ No _____

Explain your answer. If you answered yes, then explain how it was challenged the result of that challenge. If you answered no, then explain why it was never challenged.

7. Why did you have a knife on October 8, 2005?

8. Was your charge from Investigator T. Early due to your possession of the knife or from your possession of the gun on October 1, 2005? Explain.

9. What firearm were you allegedly publicly possessing? When did this alleged violation occur? Were you convicted of or did you plead guilty to this charge? Explain in detail.

10. How did Investigator T. Early violate your constitutional rights when he did not question you about the firearm?

11. Are you trying to invalidate your current conviction through this lawsuit? Explain what you are trying to do.

12. How did the October 1, 2005 illegal search of your vehicle harm you?

13. Explain why you were taken to jail on October 8, 2005 when your brother called the police.

I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY
THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

RONNIE SMITH

DATE